

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS,

Defendant.

Civil Action No. 41-1395 (WCC)

~~PROPOSED~~

STIPULATION AND ORDER

In the matter of the Application of
CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS WIRELESS,

Applicant,

for the Determination of Reasonable License Fees

IT IS HEREBY STIPULATED AND AGREED, by and among the American Society of Composers, Authors and Publishers ("ASCAP") and Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") (collectively, the "Parties") that:

1. The Parties shall complete fact discovery by **June 18, 2009**, provided that the Parties shall serve no additional Party or non-Party discovery requests, deposition notices or subpoenas, including subpoenas duces tecum, except that the Parties may pursue discovery already served and may notice additional Party depositions, where the Party seeking the additional deposition first learns of the relevance or importance of such witnesses or subject matters as a result of depositions not yet taken, discovery responses recently or not yet provided, or documents recently or not yet provided, or for good cause shown;

2. On or before **June 18, 2009**, the Parties shall disclose their experts in accordance with Rule 26 of the Federal Rules of Civil Procedure;

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3. On or before **July 7, 2009**, ASCAP shall serve any initial expert reports on Verizon Wireless;

4. On or before **August 4, 2009**, Verizon Wireless shall serve any initial or rebuttal expert reports on ASCAP;

5. On or before **August 28, 2009**, ASCAP shall serve any expert rebuttal reports on Verizon Wireless;

6. On or before **September 16, 2009**, Verizon Wireless shall serve any expert rebuttal reports on ASCAP;

7. The parties shall complete expert discovery by **October 7, 2009**;

8. The Parties shall file any dispositive motions with the Court on or before **October 22, 2009**;

9. Dispositive motion response briefs shall be filed within 3 calendar weeks following the filing of any dispositive motion;

10. Dispositive motion reply briefs shall be filed within 5 business days following the filing of any response brief;

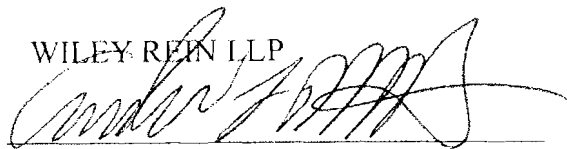
11. The Parties shall appear for a pretrial conference on **November 20, 2009, at 10:15 a.m.**;

Nothing in this Scheduling Order shall prevent either party from asking the Court to set additional dates or otherwise modify this Scheduling Order.

The parties, by their counsel, hereby consent to the foregoing Order:

Dated: New York, New York
May 20, 2009

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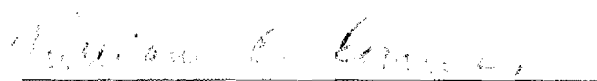
-and-

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*Attorneys for American Society of
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SO ORDERED.

Dated: White Plains, New York
May 21, 2009


Sr. United States District Judge